



BellSouth Telecommunications, Inc.  
Suite 2101  
333 Commerce Street  
Nashville, Tennessee 37201-3300

615 214-6311  
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December 3, 1999

RECEIVED  
REGULATORY DIVISION  
Patrick W. Turner  
Attorney  
'99 DEC 3 PM 3 57  
EXECUTIVE SECRETARY

VIA HAND DELIVERY

David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Tariff to Introduce Late Payment Charges*  
Docket No. 99-00574

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth Telecommunications, Inc.'s First Data Requests to Consumer Advocate Division. Copies of the enclosed are being provided to counsel of record for all parties.

Very truly yours,

Patrick W. Turner

PWT:ch  
Enclosure

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE**

<b>CONSUMER ADVOCATE DIVISION</b>	)	
	)	<b>Docket No. 99-00574</b>
<b>vs.</b>	)	
	)	<b>Tariff 99-00574</b>
<b>BELLSOUTH TELECOMMUNICATIONS,</b>	)	
<b>INC.</b>	)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
FIRST DATA REQUESTS TO  
CONSUMER ADVOCATE DIVISION**

BellSouth Telecommunications, Inc. ("BellSouth") hereby requests the Consumer Advocate Division ("CAD") to provide answers and furnish documents in response to the following Data Requests by 4:30 p.m., December 17, 1999.

**INSTRUCTIONS**

(a) If any response required by way of answer to these Data Requests is considered to contain confidential or protected information, please inform BellSouth immediately to arrange for the request of the entry of an appropriate Protective Order in this docket.

(b) If any response required by way of answer to these Data Requests is withheld under a claim of privilege, please identify the privilege asserted and describe the basis for such assertion. If any document is withheld under a claim of privilege, furnish a list of each document for which the privilege is claimed, reflecting the name and address of the person who prepared the document, the date the document was prepared, each person who was sent a copy of the document, each person who has viewed or has had custody of a copy of the document, and a statement of the basis on which the privilege is claimed.

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(c) These Data Requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These Data Requests are intended to include requests for information which is physically within the CAD's possession, custody or control as well as in the possession, custody or control of the CAD's agents, attorneys, or other third parties from which such documents may be obtained.

(d) If any Data Request cannot be responded to in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of a Data Request, answer all parts of the Data Request to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

(e) These Data Requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these Data Requests subsequently become known or should your initial response be incorrect or untrue.

### **DEFINITIONS**

(a) "CAD" means Consumer Advocate Division, its present and former employees, agents, and all other persons acting or purporting to act on behalf of the CAD.

(b) "You" and "your" refer to the CAD.

(c) "Person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

(d) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Data Requests information that would not otherwise be brought within their scope.

(e) "Identification" or "identify" when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation,

requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

### **DATA REQUESTS**

1. Does the CAD contend that the late payment charge in BellSouth's proposed tariff is a charge or rate for telecommunications service(s)? If so, please explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

2. Does the CAD contend that the late payment charge in BellSouth's proposed tariff is a charge or rate for basic local exchange telephone service(s)? If so, please explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

3. Please admit that customers who pay their bills by the due date will not be affected by BellSouth's proposed tariff.

4. If you do not admit Request No. 3, please explain in detail how customers who pay their bills by the due date will be affected by BellSouth's proposed tariff, identify all facts supporting your response, and product all documents supporting your response.

5. Does the CAD contend that the late payment charge in BellSouth's proposed tariff is a charge or rate for non-basic service(s)? If so, please explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

6. Please admit that BellSouth's monthly rate for residential Flat Rate Main Station Service in Rate Group 5 is \$12.15.

7. The Complaint filed by the CAD alleges that "the late charge proposed in the tariff is more than just and reasonable . . . ." *See* Complaint ¶ 18. Please explain in detail the factual and legal basis for this contention, identify all facts supporting this contention, and produce all documents supporting this contention.

8. The Complaint filed by the CAD alleges that "the late charge proposed in the tariff is more than just and reasonable . . . ." *See* Complaint ¶ 18. Please specify the amount that the CAD alleges is a "just and reasonable" late charge, explain in detail the factual and legal basis for your response, identify all facts supporting your response, and produce all documents supporting your response.

9. Please admit that to the best of your knowledge, nearly 100% of BellSouth's customers can pay local basic exchange service.

10. Does the CAD contend that BellSouth's proposed tariff has the effect of "providing or withholding a benefit?" *See* Complaint at ¶ 15. If so, please specify each and every benefit the CAD contends the tariff effectively provides or withholds, explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

11. Does the CAD contend that BellSouth's proposed tariff would result in BellSouth's "render[ing], or pay[ing], for a service for one customer but not another?" See Complaint at ¶ 16. If so, please explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

12. Does the CAD contend that any legal authority (including but not limited to statutes, rules, regulations, and case law) prohibits the Tennessee Regulatory Authority from approving BellSouth's proposed late payment tariff? If so, please explain in detail the factual and legal basis for your contention, identify all facts and legal authority supporting your contention, and produce all documents supporting your contention.

13. Please admit that BellSouth incurs costs when its customers do not pay their bills by the due date.

14. Does the CAD contend that BellSouth does not incur costs when its customers do not pay their bills by the due date? If so, please explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your response.

15. Please admit that BellSouth incurs costs when its customers do not pay for services that BellSouth bills on behalf of others through its telephone bill (i.e., toll charges for IXC's) by the due date.

16. Does the CAD contend that BellSouth does not incur costs when its customers do not pay for services that BellSouth bills on behalf of others through its telephone bill (i.e., toll charges for IXC's) by the due date? If so, please explain in detail the factual and legal basis for

your contention, identifying all facts supporting your contention, and producing all documents supporting your contention.

17. The Complaint filed by the CAD alleges that BellSouth's proposed tariff "makes service price differences with respect to local basic exchange services and other services under its tariff." See Complaint at ¶ 30. Please identify each and every alleged price difference, explain in detail the factual and legal basis for this allegation, identify all facts supporting this allegation, and produce all documents supporting this allegation.

18. Please admit that exempting state agencies from the proposed late payment tariff will benefit the taxpayers of the State of Tennessee.

19. Does the CAD contend that BellSouth receives compensation for late payments through any existing rate(s)? If so, please identify each and every specific rate through which you contend BellSouth receives such compensation, explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

20. Please admit that BellSouth is operating pursuant to an approved price regulation plan.

21. The Complaint filed by the CAD alleges that approving BellSouth's tariff would be contrary to T.C.A. § 65-4-123 which provides that "the regulation of telecommunications services and telecommunications services providers shall protect the interest of consumers without unreasonable prejudice or disadvantage to any telecommunications service provider . . . ." Please explain in detail the factual and legal basis for this allegation, identify all facts supporting this allegation, and produce all documents supporting this allegation.

22. The CAD's "Response to Motion to Deny and Dismiss" states that "[i]ncumbent local exchange companies must be regulated in a manner different from competitive local exchange companies." Response at 1. Please explain in detail the factual and legal basis for this contention, identify all facts supporting this contention, and produce all documents supporting this contention.

23. Please explain the manner in which the CAD contends competitive local exchange companies must be regulated. Please explain in detail the factual and legal basis for your response, identify all facts supporting your response and produce all documents supporting your response.

24. Please identify in detail the legal authority (including but not limited to statutes, rules, regulations, and case law) the CAD contends governs the extent to which the following entities may impose a late payment charge: (a) BellSouth; (b) any other incumbent local exchange telephone company operating under price regulation; (c) an incumbent local exchange telephone company not operating under price regulation; and (d) a competing telecommunications service provider.

25. Please admit that Tenn. Code Ann. § 65-4-123 requires among other things that regulation shall not unreasonably prejudice or disadvantage any telecommunications services provider.

26. What is the legal standard the CAD contends is applicable in determining whether a late payment charge imposed by each of the following entities is just and reasonable: (a) BellSouth; (b) any other incumbent local exchange telephone company operating under price regulation; (c) an incumbent local exchange telephone company not operating under price regulation; and (d) a competing telecommunications service provider. Please set forth in detail



the factual and legal basis for each response, identify all facts supporting each response, and produce all documents supporting each response.

27. Please admit BellSouth's cost of an unbundled loop is more than \$12.15 per month.

28. Does the CAD contend that BellSouth's cost of an unbundled loop is more than \$12.15 per month? If so, please set forth in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

29. BellSouth's Motion to Dismiss the CAD's Complaint identifies several CLEC tariffs which provide for late payment charges. *See* Motion to Dismiss at n.2. For each company identified in that document, please state whether the CAD has attempted to investigate whether that company's late payment charge is just and reasonable or otherwise appropriate.

30. If the CAD has attempted any investigation described in Item No. 29, please describe the investigation with specificity and produce all documents related to or arising out of such investigation.

31. If the CAD has not attempted any investigation described in Item No. 29, please explain in detail the reasons the CAD has not done so.

32. Please produce any and all information received or considered by the CAD from any public or private entity in the southeastern United States concerning credit granting policies that are allegedly "comparable" to those of BellSouth.

33. Is the CAD aware of any consumer complaints regarding BellSouth's proposed late payment charge? If so, please identify in detail the nature of each such complaint and the

persons or entity who registered such complaints, and please produce all documents related to or arising out of such complaints.

34. Does the CAD contend that BellSouth provides annual discounts to customers who pay for local service in advance? If so, please set forth in detail the factual and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

35. Please identify each and every person who provides answers to or otherwise participates in responding to each of these Data Requests.

36. Please produce any and all criticism(s) and comments of any and all studies of customer payment patterns in the CAD's possession or of which the CAD has knowledge.

37. Please admit that there is statutory authority for the Tennessee Regulatory Authority to approve a BellSouth tariff imposing a charge for late payments.

38. Does the CAD contend that the fact that BellSouth did not seek any rate adjustments during the proceedings addressing its application for price regulation estops BellSouth from implementing its proposed late payment tariff? If so, please explain in detail the factual and legal basis for your contention, identify all facts supporting your contention, and producing all documents supporting your contention.

39. What does the CAD contend is BellSouth's cost of an unbundled loop? Please explain in detail the factual and legal basis for your response, identify all facts supporting your response, and produce all documents supporting your response.

40. Please admit that BellSouth incurs costs in attempting to collect late payments.

41. Does the CAD contend that BellSouth's late payment charge is unjustly, unreasonably, or unduly preferential or discriminatory? If so, please explain in detail the factual

and legal basis for your contention, identify all facts supporting your contention, and produce all documents supporting your contention.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: Patrick Turner

Guy M. Hicks

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**CERTIFICATE OF SERVICE**

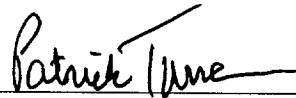
I hereby certify that on December 3, 1999, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☒ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight

Richard Collier, Esquire  
Tennessee Regulatory Authority  
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- ☐ Hand
- ☒ Mail
- ☒ Facsimile
- ☐ Overnight

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